

Newsitem "Bulldozers heading for big addresses now"

2546. SHRI SANJAY NIRUPAM: Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:

(a) whether Government's attention has been drawn to the newsitem captioned "Bulldozers heading for big addresses now" which appeared in the Times of India, dated the 31st October, 2000;

(b) if so, the facts reported therein and the action taken thereon; and

(c) whether the builders have not been following the building bye-laws endangering the lives of people living therein?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI BANDARU DATTATRAYA): (a) to (c) Yes, Sir. Presently construction of buildings in Delhi is governed by the Building Bye-laws which take care of the structural safety of the buildings constructed/proposed to be constructed. These Buildings Bye-laws are regulated and implemented through various agencies like the Delhi Development Authority, Municipal Corporation of Delhi and New Delhi Municipal Council. The Ministry of Urban Development and Poverty Alleviation has also been emphasising the need for strictly curbing any violation of the Building Bye-laws by any person or persons and has been stressing upon the local bodies/authorities to take action as per Rules and Acts against unauthorised construction.

Instances of violation of Building Bye-laws have come to the knowledge of the Ministry. To curb the menace of unauthorised constructions, the Ministry has reiterated the need for action for prosecution, demolition, etc. vide a set of comprehensive instructions issued on 28th August, 2000.

[19 March, 2001]

RAJYA SABHA

Statement

Comprehensive instructions regarding unauthorised construction

NO. J-13G36/3/96-DDIIB
GOVERNMENT OF INDIA
MINISTRY OF URBAN DEVELOPMENT AND POVERTY
ALLEVIATION

NIRMAN BHAWAN, NEW
DELHI DATED: 28.08.2000

TO,

1. Shri P.S. Bhatnagar,
Chief Secretary,
Government of National Capital Territory of Delhi, Delhi.
2. Shri P.K. Ghosh,
Vice-Chairman,
Delhi Development Authority, Vflcas
Sadana, INA, New Delhi.
3. Shri S.P. Aggarwal,
Commissioner,
Municipal Corporation of Delhi, Town
Hall, Delhi.
4. Shri B.P. Misra,
Chairperson,
New Delhi Municipal Committee, PaUka
Kendra, New Delhi.
5. The Development Commissioner,
Government of National Capital Territory of Delhi, Town Hall, New
Delhi.

Subject: Unauthorised Encroachment and Illegal Constructions in Delhi.

Sir,

I am directed to say that the menace of illegal encroachment/ unauthorised construction in Delhi has been considered by the Government of India at its highest level and it has been decided to eliminate this menace with a firm hand. You are therefore, requested to take strong and prompt action against all illegal constructions/ unauthorised encroachments and also against misuses of land in violation of the provisions of the Master Plan of Delhi. The following measures are particularly required to be enforced strictly:

- (i) All illegal construction should be demolished, not cosmetically but in toto.
- (ii) The cost of demolition should be recovered from the illegal builders within 15 days of demolition. In case of nonpayment within 15 days, the amount due should be recovered as arrears of land revenue.
- (iii) In all cases of illegal constructions, prosecution should invariably be launched against builders under the Delhi Municipal Corporation Act, Delhi Development Authority Act, New Delhi Municipal Council Act, etc. and the cases followed vigorously with the police authorities and courts.
- (iv) Wherever the property is on lease, action should be taken under the terms and conditions of lease agreement and reentry effected within the shortest permissible period under such lease agreement. After re-entry, physical possession of the property should be taken by invoking the provisions of Public Premises Eviction Act and damages collected immediately. The rates of damage and misuse charges should be the same as per the formula followed by the L&DO and approved by the Ministry of Urban Development.
- (v) In case of DDA flats, where constructions have come up beyond the condonable limits, cancellation of allotment should be carried out in addition to the demolition of the

additional construction. Orders in respect of condonable and non-condonable items are being issued separately.

- (vi) In cases, whereafter demolition, reconstruction is done, personal responsibility of the officer incharge should be fixed and departmental action taken against him.
 - (vii) In cases where illegal construction have taken place on rural-agricultural lands, action under the Provisions of the Delhi Land Reforms Act, 1954, should also be taken and such lands should be taken over as per provisions of the Delhi Land Reforms Act. Action in this respect should be taken as soon as the plots are cut by the colonisers and construction done in the shape of boundary walls etc. In other words construction should be nipped in the bud. If it comes up, it should be demolished immediately. Action in this respect should also be taken by the concerned local agencies/ODA as per the bye-laws pertaining to layout service plans, etc.
 - (viii) On all cases where party obtains stay/status quo orders, prompt action to get the stay order vacated should be taken and higher court moved, wherever necessary.
 - (ix) All Senior Field Officers should be asked to carry out physical inspection of the area under their charge and the Supervising Officer should also make surprise checks to ensure that the subordinate staff takes immediate action to check/demolish unauthorised construction. Deterrent action should also be taken against the subordinate staff such as Building Inspectors, Junior Engineers, Assistant Engineers, etc. who do not take prompt action,
 - (x) Field officers should be asked to maintain field diaries and submit them to the Supervisory Officer regularly.
2. It is also requested that a monthly report should be sent to the Ministry of Urban Development by the Sth of each succeeding month.
 3. In this connection, it may be noted that both the Parliament and the Parliament Consultative Committee have expressed deep concern, through questions and interpolations, over the rising menace of

unauthorised constructions in Delhi and the suspected connivance of the staff of the different authorities in the matter. A Flying Squad has been constituted in the Ministry and if, as a result of findings of this Squad, it is found that subordinate staff has not done its duty or not carried out the aforesaid instructions, strict action against the Subordinate^ySupervisory Staff would be taken by the Government.

Yours faithfully,

Sd/-

(DR. NIVEDITA P. HARAN)

JOINT SECRETARY TO THE GOVT. OF INDIA

TEL.: 3018255

Copy for information and necessary action to:—

1. Deputy C.V.O. Ministry of UD&PA, Nirman Bhawan, New Delhi
2. L&DO, Ministry of UD&PA, Nirman Bhawan, New Delhi
3. DG (W), CPWD, Nirman Bhawan, New Delhi

Sd/-

(N.L. UPADHYAY)

UNDER SECRETARY TO THE GOVT. OF INDIA

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Encroachments by Shopkeepers of Bartan Market, Sadar Bazar, Delhi

2547. SHRI SURYABHAN PATIL VAHADANE: Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:

- (a) whether Government are aware that most of the shopkeepers in Bartan Market in Sadar Bazar, Delhi, have encroached the footpaths in the area;
- (b) if so, the details thereof;
- (c) whether it is a fact that most of the shopkeepers in Bartan Market are encroaching the footpaths in connivance with the local police; and
- (d) the action proposed/being taken by Government to remove such encroachments to facilitate the local residents and the action being taken against the culprit police officials?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI